

12/13 (14)

Selectmen's Minutes

November 29, 2004

7:00 P.M.

Present: F. Dore' Hunter, Peter Ashton, Robert Johnson, Walter Foster, Trey Shupert, Town Manager and Assistant Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

SEWER COMMISSIONER'S REPORT

No Sewer Issues

PUBLIC HEARINGS & APPOINTMENTS

JUNIOR'S PIZZA BEER AND WINE LIQUOR LICENSE AS A COMMON

VICTUALLER – The applicant was not present for the hearing and No Action was taken.

TOBIKO JAPANESE FUSION, COMMON VICTUALLER – Jamie Thang, Manager explained what changes they plan for the restaurant. They will begin with mostly Japanese food and then start to introduce other Asian style dishes.

TOBIKO JAPANESE FUSION, FULL LIQUOR LICENSE TRANSFER – Dore' asked that they increase the age from 30 to everyone. Peter asked about experience. She has been an Asst. Manager for over 10 years at different Chinese and Japanese establishments. They plan on hiring at least five employees, and will have the Bar code training. Trey asked about her experience and having to deal with unruly patrons. Jamie explained the process she has used in her other jobs. Walter welcomed them to Town. He wanted to ask a few questions about their liquor serving policy in regard to the reference to patrons or potential patrons in the parking lot. He suggested that they change paragraphs two and three. He also asked to have them personalize the policy to fit there type of license.

TREY SHUPERT – Moved to approve a license as a Common Victualler, and to also approve the transfer of the full liquor license conditioned on sale of assets to Tobiko Japanese Fusion. **PETER ASHTON** –Second. **UNANIMOUS VOTE**

PLANNING BOARD OVERSIGHT MEETING – Lauren Rosenzweig updated the Board on what projects the Planning Board and staff have been working on. They want to establish a North Acton Village Committee. She noted the EDC and the new projects and the upgrading of the buildings going on in Town. They look forward to taking the Housing Plan to get input of what people want to see in Acton for affordable housing. She commented on Stacy Roger's idea of having consultants meet with the neighbors before moving forward. She thanked staff for their support.

Dore' spoke about the Fall Town Meeting vs. Spring Town meeting and offered his comments in writing, and further noted he disproved his theory about zoning by whether

it was Fall or Spring meeting. She noted that they still wish to re-codify the zoning bylaw, which would allow them to make Housekeeping changes to the Bylaw easier.

Trey asked about the Master Plan implementation and how residents complained that they wanted to have more residential development and less commercial development in 1990. And in 1994, people shifted their wants to restrict residential development and wanted more commercial development. Trey noted that what people want some times is illegal.

Peter asked about the Master Plan Update. The Planning Board will be working on the New Master Plan shortly. They think every 10 years is a good time to review. The Planning Board hopes to get started soon to develop a scope for this year and have received a Grant to help them with this. Peter is concerned that EDC needs to cultivate the Commercial side and to explore what's going on in this regard. Lauren said it is timing currently with reduced need for office space and noted they have seen many of the existing older buildings being rehabbed.

Bob noted the great success of the Village Plans.

Walter spoke about what issues he was interested in. He suggests that we need to take note of the fact that BOS reviews commercial site plans and the Planning Board residential approvals. He noted that sewerage in South Acton has brought about rehab in that village. He noted the Yin Peet proposal group is working on the project with representatives from Planning, Conservation as well as other interested people and is excited to see this groups work. He felt they could go back and address Kelley's Corner now that there are sewers installed.

Lauren also noted the need for funding for the Planning Department, and thanked the staff for their hard work.

CLASSIFICATION HEARING – Jim Kotanchick explained the various votes the Board could take among the classes. He spoke about the Board's choices and the affect on the tax rate. We don't have open space so nothing is required in that regard. The next vote will be the Residential Exemption which is much the same as the Exemption for Small Business. The Commercial exemption is only eligible to the owners but, the savings could be passed on to the tenants.

Peter asked about how many communities employ the residential exemption. He too looked on the web site and could not get any information either.

Bill Lawrence asked about the vote tonight. The Board said they were ready to vote tonight.

David Direkson, Resident and Acton business owner, does not support a split tax rate and urged the Board to maintain the uniform rate. He felt it was important for fairness and that the burden will fall on all taxpayers equally.

Lauren Rosenzweig noted that while she is not a business owner, she reiterated the comments of Mr. Direkson and noted the improvements through reinvestment of their tax savings have improved many properties throughout town.

PETER ASHTON – Moved a uniform residential factor of 100 percent. BOB JOHNSON – Second. Further, to take no action on the small commercial exemptions, residential exemptions or Open Space exemptions. UNANIMOUS VOTE.

PIZZA HUT, CHANGE OF MANAGER – District Manager and General Manager of Pizza Hut were present to answer questions. They have requested that Shelly Killay be replaced with Benjamin Burton as the Manager on record with regard to their Liquor License on Great Road. They have accommodated Ms. Mohammad's Religious objections to Liquor in the past by having a subordinate listed as the Manager of the Liquor; in fact Shelly Killay was serving as the Liquor Manager under this situation, and has left the restaurant which requires a new Manager for the license.

Walter asked questions about when Ms. Mohamed was on duty did she make the decisions on Liquor, she said she did. Walter asked about the need for her to be on the license, as she had the full control of the premises. She said she refused to have her name as the Manager on any required forms due to her Religious beliefs.

Dore' felt we needed to have a member of Pizza Hut staff on the License. Ben Burton agreed to be the Liquor Manager. He understood he was the final authority on the local scene and responsible for the administration of the Liquor Policy at the store.

Walter asked him about his familiarity with the Store Liquor Policy and did he have his TIPS training. He has had internal training with Pizza Hut. He was also told that he was responsible for the training of new employees. Walter wanted him to go through the TIPS Program to supplement the in-house training, and wanted assurance that he would be willing to attend, he replied he would attend, it was further noted that this training be offered to other employees. The Regional Manager agreed to these suggestions.

BOB JOHNSON – Moved to approve the Change of Manager from Shelly Killay to Benjamin Burton. TREY SHUPERT – Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

STATE OF THE TOWN – Posting of the Meeting State if the Town Meeting has been done and sent to the residents. The meeting will be on Wednesday at 7:00 pm at the Raymond J. Grey Jr. High Auditorium with the meeting to end by 10 p.m.

INTER-GOVERNMENT AGREEMENT – Walter updated the Board on the Status of the Leary Field Project. They hope to have something before the Board in mid-December. The cost \$750,000, with \$250,000 from private sector, \$250,000 funding source within the Regional School and \$250,000 from CPC Funds.

CPC REQUESTS - Dore' spoke about his involvement with the Faulkner Plaque and he will continue to be the Board's Representative,

Fire Apparatus – Bob Johnson will represent the Board

Bruce Freeman – Bob Johnson will represent the Board

ACHC

Habitat for Humanity

Library restoration for artifacts
Pine Hawk Display

Jones Tavern chimney restoration.

Town Hall Slate Roof - Peter will represent the Board

Technical support for Housing (ACHC)

McCarthy Village Recreation Area

Open Space Set aside

BOB JOHNSON – Moved for conceptual approval of the CPC Projects. PETER ASHTON – Second. UNANIMOUS VOTE.

TRAIN WHISTLES – Dore' said we have done what we need do to have a Quiet Zone. Don Johnson remarked that the letter is in extra Info. The Federal Railroad Administration has moved the date for data submission to April 05'. Data must be current, no longer than 6 months old or they will be required to have to do the data over. TREY SHUPERT – Moved to send out letter to Federal Railroad Administration as written by the Manager. PETER SECOND. UNANIMOUS VOTE.

Margaret Miley – Maple Street, commented that this is exactly what they wanted and urged them to sign the required letter to the FRA.

Herman Kabakoff – He asked if this was permanent or did it have an end time. It was not known at this time what the Federal Railroad Administration may do in the future.

COMMUTER RAIL PARKING ISSUES – Dore' reviewed the parking situation on the side streets around the Rail station. Don noted that currently there is no layout of Martin Street. If a sidewalk is built, they would require easements. Bruce, Roland and Frank Widmayer put together a sidewalk plan, Martin Street shows up in the plan in 2010.

Dore' suggested that MBTA post signs stating it is illegal to cross. Dore' reviewed Bruce Stamski's memo about expansion.

Dore' felt that if we are to allow parking on Jones Field, we need to define where they can park and install meters.

Peter was pleased with Bruce's plans and recommend going forward to the Cons Com and be sure it is reviewed by the Bldg. Commissioner for ADA Compliance.

Walter said he agreed that we should look at expansion as long as we do not encroach on wetlands. He agreed with Dore's suggestion of defining the parking and meter installation, and to leave the South Acton Fire Station free.

Trey was not in favor of moving Martin Street up on the Sidewalk Priority List. He was in favor of installing the 117 more spaces.

Charlie Kadlec noted his use of the parking lot, while he doesn't commute, his daughter does. He asked that they give some thought to the exiting of the lot on to Central Street when the train arrives.

Dore' noted that contrary to what we previously understood, there is no restriction that we offer spaces to out of town commuters in the lot.

Peter noted that if we are not able to install the extra spaces he suggests we limit the out of town parking spaces.

Dore' suggests we look into the collection system such as Concord and Arlington at the Jones Field location.

CHANGE IN LAW PROPOSALS – Peter reported on Sen. Resor's question if we had anything to be filed this year before the deadline. John Murray came up with several items for submission.

Walter speaking about CPC noted he needs more feedback and information and would support a place holder if possible.

Don suggested we not put this in the legislation package to go the Senator and to schedule Town Counsel come to speak with the CPC.

OTHER BUSINESS

WOODLANDS AT LAUREL HILL 40B – Dore' has prepared a letter that he asked that all Board members sign. It was drafted after his attendance at a meeting this morning. Peter supported Dore's view and will read the letter at the hearing on Thursday and remind the Board that there is something going on behind the scenes.

PETER ASHTON - Moved to approve the letter and forward to the ZBA. TREY SHUPERT – Second. UNANIMOUS VOTE.

EMPLOYEE RECGONITION – While Dore' was looking at Town Reports recently, he felt it would be appropriate that town employees be recognized in the Town Report each year, for contributions to the governance of the Town. The Board agreed with Dore's suggestion.

BROOKSIDE SHOPS - Peter spoke about the Traffic Monitoring at Brookside Shops. He will follow up with the State.

CABLE TV - Peter discussed the rate increases of cable services. The most distressing is that perhaps Acton may be experiencing a recoup of the I-net construction monies and he said that they are not allowed to raise the franchise rate. Dore' asked that we inform them we are going to hold a hearing to discuss these increases. Dore' asked that we schedule a hearing and ask for materials to be submitted by Comcast.

CONSENT AGENDA

BOB JOHNSON – Moved to approve. – TREY SHUPERT – Second. UNANIMOUS
VOTE

TOWN MANAGER’S REPORT

EXECUTIVE SESSION

BOB JOHNSON –Move to go into Executive Session for the purpose of discussing
Litigation, Contract Negotiations, Legal Negotiations, only to return to regular meeting, to
adjourn. PETER ASHTON – Second. Roll Call was taken, All AYES

Christine Joyce
Recording Clerk

Clerk

Date

November 12, 2004

TO: Board of Selectmen, Sewer Commissioners

FROM: F. Dore' Hunter, Chairman

SUBJECT: Selectmen and Sewer Commissioners' Report

NOVEMBER 29, 2004

7:00 P.M.

I CITIZENS' CONCERNS

II SEWER COMMISSIONERS' BUSINESS

III PUBLIC HEARINGS & APPOINTMENTS

1. 7:15 JUNIOR'S PIZZA, 481 GREAT ROAD, BEER AND WINE ALCOHOL LICENSE AS A COMMON VICTUALLER— Enclosed please find materials in the subject regard, for Board consideration.
2. 7:25 TOBIKO JAPANESE FUSION, INC., 103 NAGOG PARK, LICENSE AS A COMMON VICTUALLER – Enclosed please find materials in the subject regard, for Board consideration.
3. 7:30 TOBIKO JAPANESE FUSION, INC., 103 NAGOG PARK, TRANSFER OF FULL LIQUOR LICENSE AS A COMMON VICTUALLER — Enclosed please find materials in the subject regard for the transfer of a full liquor license from Sichuan Pavilion to Tobiko Japanese Fusion, Inc., for Board consideration.
4. 7:45 PLANNING BOARD OVERSIGHT MEETING- Enclosed please find materials in the subject regard, for Board consideration.
5. 8:15 CLASSIFICATION HEARING - Enclosed please find materials in the subject regard, for Board consideration.
6. 9:15 PIZZA HUT REQUEST FOR CHANGE OF MANAGER (Continued from 11/15/04)-Enclosed please find materials in the subject regard, for Board consideration.

IV SELECTMEN'S BUSINESS

7. STATE OF THE TOWN –Enclosed please find materials in the subject regard, for Board consideration.
8. INTER-GOVERNMENTAL AGREEMENT – Selectman Foster will report regarding progress made on the Inter-Municipal Agreement with respect to Leary Field.
9. CPA FUND APPLICATIONS — Enclosed please find materials in the subject regard, for Board consideration.

10. **COMMUTER RAIL PARKING ISSUES** – Enclosed please find materials in the subject regard, for Board consideration.
11. **TRAIN WHISTLE QUIET ZONE** - Enclosed please find materials in the subject regard, for Board consideration.
12. **CHANGE IN LAW PROPOSALS** – Enclosed please find materials in the subject regard, for Board consideration.
13. **OTHER BUSINESS**

V CONSENT AGENDA

14. **ACCEPT MINUTES** – Enclosed please find Minutes of the September 13, 2004 Selectmen's meeting, for Board consideration.
15. **BOARD OF ASSESSOR'S APPOINTMENT, DAVID BROWN** – Enclosed please find correspondence from the Board of Assessors recommending the elevation of David Brown from Alternate to Full Member, with a term to expire June 30, 2007, for Board consideration.
16. **SITE PLAN SPECIAL PERMIT #10/09/03-394, 1 & 19 MAPLE STREET** - Enclosed please find a draft Decision in the subject regard, for Board consideration.
17. **SITE PLAN SPECIAL PERMIT #04/30/04-398, 19 RAILROAD STREET**- Enclosed please find a draft Decision in the subject regard, for Board consideration.
18. **ONE DAY LIQUOR LICENSE** – Enclosed please find a request from the Friends of the Arboretum for a One Day Liquor License, for Board consideration.
19. **ONE DAY LIQUOR LICENSE** – Enclosed please find a request from the Recreation Director for a One Day Liquor License, for Board consideration.
20. **ACCEPT GIFT** – Enclosed please find a request for acceptance of a donation from the Lions Club to be used toward the flag pole project at the Public Safety Facility, for Board consideration.
21. **ACCEPT GIFTS** – Enclosed please find a request for acceptance of numerous gifts for Winterfest 2005 at Nara Park, for Board consideration.
22. **ACCEPT GIFT** – Enclosed please find a request from the West Acton Citizens' Library for acceptance of a gift from the Library Auxiliary, for Board consideration.
23. **ELIZABETH WHITE FUND GRANTS** - Enclosed please find a confidential request from the Trustees of the Elizabeth White Fund regarding the 2004 distribution of the Elizabeth White Fund Grants, for Board consideration.

VI TOWN MANAGER'S REPORT

VII EXECUTIVE SESSION

24. There will be a need for Executive Session

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.
Dec. 13 Faulkner Mill (Continuation from 11/15/04), Liquor License Violations, Sylvia Street (continued from 11/15)

Jan. 24

Feb 7

Feb 28

March 14/28

April 4

GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Bob/Walter)
2. Improving Intra Board Communication (Dore')

GOALS carried forward

3. Monitor Labor Negotiations (Peter/Trey)
4. Improve Communication with Town Boards (ALL)
5. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Trey/Peter)
6. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
7. Process Planning for "Life after NESWC" (Bob)
8. Joint IT process-organizational change (Walter/Dore')
9. Middlesex Pension Alternatives (Walter/Trey)